

## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

#### **COUNCIL MEMBERS**

Dennis Kennedy, Mayor Larry Carr, Mayor Pro Tempore Hedy L. Chang, Council Member Greg Sellers, Council Member Steve Tate, Council Member

#### REDEVELOPMENT AGENCY

Dennis Kennedy, Chair Hedy L. Chang, Vice-Chair Larry Carr, Agency Member Greg Sellers, Agency Member Steve Tate, Agency Member

# WEDNESDAY, NOVEMBER 20, 2002

#### **AGENDA**

## **JOINT MEETING**

## CITY COUNCIL SPECIAL AND REGULAR MEETING

and

## REDEVELOPMENT AGENCY SPECIAL MEETING

A Special Meeting Is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Chairman/Mayor

## **CALL TO ORDER**

(Mayor/Chairperson Kennedy)

## ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

# **DECLARATION OF POSTING OF AGENDA**

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

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## 6:00 P.M.

# City Council Action and Redevelopment Agency Action

## **CLOSED SESSION:**

1.

## CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

## <u>CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:</u> <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of

Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,

special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

## PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Attorney

Attendees: City Council, City Attorney

4.

## **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)
Case Name: City of Campbell et al. v. CalPERS

Case Number: OAH 5119

Attendees: City Attorney, City Manager

5.

## **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)
Case Name: Allivato v. City of Morgan Hill et al.
Case Number: Santa Clara County Superior CV 810111

Attendees: City Attorney, City Manager

#### OPPORTUNITY FOR PUBLIC COMMENT

#### ADJOURN TO CLOSED SESSION

**RECONVENE** 

#### **CLOSED SESSION ANNOUNCEMENT**

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## 7:00 P.M.

#### SILENT INVOCATION

## PLEDGE OF ALLEGIANCE

#### **PROCLAMATION**

Green Business Recognition
Carol Berg, Educational Data Systems

#### **PRESENTATION**

Award for Excellence for the Villa Ciolino Housing Project

South County Housing Corporation

Dennis Lalor and Jan Lindenthal

Winter Storm Preparation and Status of PL566 Project

Santa Clara Valley Water District

Mark Klemensik

## **CITY COUNCIL REPORT**

Council Member Hedy Chang

#### **CITY MANAGER'S REPORT**

#### **CITY ATTORNEY'S REPORT**

## **OTHER REPORTS**

## **PUBLIC COMMENT**

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS <u>NOT</u> ON THIS AGENDA. (See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE DEPUTY CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

# City Council Action

#### **CONSENT CALENDAR:**

**ITEMS 1-25** 

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

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	Time Estimate Consent Calendar: 1 - 10 Minutes	Page
1)	OCTOBER 2002 CITY COUNCIL FINANCE AND INVESTMENT REPORT  Recommended Action(s): Accept and File Report.	1
2)	BI-ANNUAL VACANCY RATE SURVEY Recommended Action(s): Establish the Bi-Annual Vacancy Rate for October 2002, as Recommended by the Planning Commission.	. 25
3)	FOOD DRIVE CO-SPONSORSHIP Recommended Action(s): Direct Staff to Administer a Second Harvest Food Drive.	. 35
4)	PERFORMANCE MEASURE UPDATE - NOVEMBER 2002  Recommended Action(s): Receive and File.	. 37
5)	SPORTS MANAGEMENT GROUP CONSULTING FEE AND SCOPE OF WORK FOR AQUATICS COMPLEX PROJECT Recommended Action(s): Authorize the City Manager to Execute a Contract in the Amount of \$45,000 With a 10% Contingency to Provide Consulting Services With Design Review, Market Analysis, Fee Structure, Operational Structure, and Business Plan Development for the Aquatics Complex Phase I.	. 51
6)	COMMUNITY AND CULTURAL CENTER PROJECT AND COMMUNITY PLAYHOUSE OCTOBER CONSTRUCTION PROGRESS REPORT Recommended Action(s): Information Only.	. 57
7)	<ul> <li>SOUTH VALLEY CIVIC THEATRE LEASE OF THE MORGAN HILL COMMUNITY PLAYHOUSE</li> <li>Recommended Action(s):         <ol> <li>Approve the Lease Agreement with South Valley Civic Theatre ("SVCT") for Use of the Morgan Hill Community Playhouse ("Playhouse"); and</li> </ol> </li> <li>Authorize the City Manager to Execute the Lease Agreement and do Whatever is Necessary to Effectuate the Agreement.</li> </ul>	. 67
8)	CHANGE ORDER APPROVAL FOR ADDITIONAL WORK ON THE 2001-2002 ROADWAY REPAIR AND SLURRY SEAL PROJECT Recommended Action(s): Approve Change Order in the Amount of \$30,250 for Additional Work on the 2001-2002 Roadway Repair and Slurry Seal Project by Contractor Silicon Valley Paving.	. 91
9)	APPROVAL OF CONTRACT CHANGE ORDER FOR MAIN AVENUE WELL DRILLING PROJECT  Recommended Action(s): Approve a Contract Change Order in the Amount of \$25,908 for the Construction of the Main Avenue Well Drilling Project to Increase Size of Casing.	. 93
10)	COUNCIL RESOLUTION SUPPORTING GRANT FUNDING FOR SIGNING AND STRIPING FOR CLASS II BIKEWAYS  Recommended Action(s):  1. Adopt Resolution No. 5625 Supporting the Signing and Striping for Class II Bikeways as the City's 2003-2004 Bicycle Transportation Account (BTA) Project Candidate; and  2. Appropriate 10% Matching Funds of Total Project Cost for Construction. The Estimated Total Project Cost is \$86,000. In Addition, City Shall Cover Costs Associated With Planning and Design.	. 95

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11)	FIRST QUARTER REPORT, 2002-2003 WORKPLAN  Recommended Action(s): Accept Report.	99
12)	EXTENSION OF CONTRACT FOR CONSULTANT PLANNING SERVICES  Recommended Action(s): Authorize the City Manager to Execute an Extension to the Consultant Services Agreement for Contract Planning Services at a Cost Not to Exceed \$30,000.	. 125
13)	RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2002 QUARTERLY REPORT NO.4	125
	Recommended Action(s): Accept and File the RDCS Fourth Quarter Report.	. 137
14)	WAIVE READING OF ORDINANCE NO. 1585, NEW SERIES  Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1585, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Approving of a Development Agreement, DA-02-04: Sunnyside-Quail Creek for Application MP 01-11: Sunnyside-South Valley Developers.	. 151
15)	WAIVE READING OF ORDINANCE NO. 1586, NEW SERIES  Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1586, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Approving Zoning Amendment ZA-02-06 Watsonville-City of Morgan Hill RDA Changing the Zoning Designation From Public Facilities to R2-3,500 on a 1.55 Acre Site. (APN 767-23-017).	. 155
16)	WAIVE READING OF ORDINANCE NO. 1587, NEW SERIES  Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1587, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to the Precise Development Plan Established under Ordinance No. 1522, New Series for a 62-unit R-1(7,000) & R-2 (3,500)/RPD Single-family Residential Planned Development Located on the South Side of Llagas Avenue, and the West Side of Hale Avenue. (APNs 764-32-005, 010 & 012).	. 161
17)	WAIVE READING OF ORDINANCE NO. 1588, NEW SERIES  Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1588, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement, DA 02-06 for MP 01-05: Llagas-Delco (APN 764-32-005, 010 &012).	. 165
18)	WAIVE READING OF ORDINANCE NO. 1589, NEW SERIES  Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1589, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Amending Sections 15.08.010 (Adoption of the California Building Code and the Uniform Building Code), 15.08.020 (Short Title), 15.08.040 (Additions, Amendments and Deletions), 15.08.090(A) (Section 310.7 Amended-single-room Occupancies (SRO)), 15.08.100(A) (Section 2320.11.3, Item 5, Deleted-gypsum Board Use), 15.08.110(A) (Section 2320.11.3, Item 7, Amendedconventional Construction Provisions (Bracing)), 15.08.120(A) (Section 1900.4.4 AmendedMinimum Slab Thickness), 15.08.130(A) (Section 1806 Amended-Foundation Reinforcement), 15.08.140(A) (Section 3205.2 Amendedprojections and Clearance), 15.08.150(A) (Section 3205 Amended by Adding Section 3205.8-Vertical Supports), 15.08.160(A) (Section 3205.3 Amended Marquee Length), 15.08.170(A) (Section 3403.2 Amended Suspended Ceiling Upgrade), 15.08.190(A) (Chapter 13 and Appendix Chapter 13 of the 1997 Uniform Building Code Deleted), 15.08.200(A) (Table 1-A of the 1997 Uniform Building Code Deleted), and 15.08.210 (Sections 904.2.2)	. 169

Through 904.2.8 of the 1997 Uniform Building Code Deleted) of Chapter 15.08 (Building Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code, Adopting The 2001 Edition of the "California Amendments, as the Building Code of the City of Morgan Hill.

# Building Code" Volumes 1, 2, & 3, Including Appendix Chapters 3 Division II, 4, 15, 18, 31, 33 and 34, with 19) Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1590, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Amending Sections 15.12.020 (Adoption of the National Electrical Code) and 15.12.060 (Article 90-4 of the 1996 National Electrical Code), and Deleting Section 15.12.040 (Additions, Amendments and Deletions) of Chapter 15.12 (Electrical Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code and Adopting the 2001 Edition of the "California Electrical Code," Published by the National Fire Protection Association, with Amendments, as the Electrical Code of the City of Morgan Hill. 20) Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1591, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Amending Sections 15.16.020 (Adoption of the Uniform Mechanical Code) And 15.16.040 (Amendments and Deletions) of the Morgan Hill Municipal Code and Adopting the 2001 Edition of the "California Mechanical Code," and the 2000 Edition of the "Uniform Mechanical Code," Published by the International Association of Plumbing and Mechanical Officials, with Amendments, as the Mechanical Code of this City. 21) Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1592, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Amending Sections 15.20.010 (Short Title), 15.20.020 (Adoption of the California Plumbing Code and the Uniform Plumbing Code), 15.20.030 (Scope, Organization, Enforcement, Fees and Inspections), 15.20.040 (Amendments and Deletions), 15.20.050 (Section 604.2 Amended-Water Lines and Fittings), 15.20.060(A) (Section 608.2 Amended–Pressure Regulators), 15.20.070(A) (Sections 609.3.1 and 609.3.2 Amended–Piping Under Slabs), 15.20.080(A) (Section 710.1 Amended-Backwater Valves), and 15.20.100(A) (Section 1001.0 Amended-Vents and Traps) of Chapter 15.20 (Plumbing Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code to Adopt the 2001 Edition of the "California Plumbing Code," and the 2000 Uniform Plumbing Code Published by the International Association of Plumbing & Mechanical Officials, with Amendments, as the Plumbing Code of this City.

### 22) Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1593, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Amending Section 1.01.010 (Adoption of the Morgan Hill Code), of Chapter 1.01 (Code Adoption) of Title 1 (General Provisions) of the Morgan Hill Municipal Code to Include the Current Editions of the California Building, Administrative, Electrical, Mechanical and Plumbing Codes.

#### 23) Recommended Action(s): Waive the Reading, and Approve Ordinance No. 1594, N.S. and Declare That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Enacting Chapter 18.80 of the Municipal Code of the City of Morgan Hill Regarding Development Agreements.

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24)		ING OF ORDINANCE NO. 1595, NEW SERIES	. <b>209</b>
		Action(s): Waive the Reading, and Approve Ordinance No. 1595, N.S. and Declare That Said bears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further	
		; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Approving	
		o a Precise Development Plan for a 164 Unit R-1(7,000) & R-2 (3,500)/RPD Single-family and Development Located on the North Side of East Central Avenue at Calle Hermosa. (APN	
	726-27-037).		
25)		ING OF ORDINANCE NO. 1596, NEW SERIES	. 215
		Action(s): Waive the Reading, and Approve Ordinance No. 1596, N.S. and Declare That Said bears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further	
	Reading Waived	; Title as Follows: An Ordinance of the City Council of the City of Morgan Hill Approving	
	a Development A Park Development	greement, DA-02-05: East Central - Central Park for Application MP-01-10: Central - Central nt, LLC.	
Rod	องอไกทพ <i>อ</i> ง	nt Agency and City Council Action	
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ITEMS			
	Time Estimate	ar: 1 - 10 Minutes	Page
26)		2 REDEVELOPMENT AGENCY FINANCE AND INVESTMENT REPORT	. 219
27)	COMMUNITY CENTER LAND TRANSFER . 231		
	Recommended A	Action(s): ize the Executive Director to Prepare and Execute a Grant Deed Transferring Ownership of	
	the Land	d Comprising the Site for the Morgan Hill Community and Cultural Center at 17000 Monterey	
		avilan College Satellite Campus at 17060 Monterey Road, and the Morgan Hill Community use at 17090 Monterey Road, From the Morgan Hill Redevelopment Agency to the City of	
	Morgan	Hill;	
	2. Author and	ize the City Manager to do all That is Necessary to Accept the Property on Behalf of the City;	
	3. <u>Direct</u> t	he City Clerk to Have the Grant Deed Recorded in the Office of the County Recorder of Santa ounty.	
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28)		NT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT TING MINUTES OF NOVEMBER 6, 2002	. 237
City	Council A	Action	
•			
<u>PUBLI</u>	<u>C HEARINGS</u> : Time Estimate		Page
29)	5 Minutes	DEVELOPMENT AGREEMENT AMENDMENT DAA 00-05: MALAGUERRA-	
		MANCIAS Public Hearing Opened.	. 269
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.  Action-  Motion to Waive the Reading in Full of the Development	
		Action- would to waive the Reading in run of the Development	

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Action-

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OIRE	ER BUSINESS: Time Estimate		Page
30)	60 Minutes	REPORT ON ACCOMPLISHMENTS AND PLANS OF THE MORGAN HILL COMMUNITY HEALTH FOUNDATION (MHCHF) AND THE JOINT PLANNING TASK FORCE  Recommended Action(s):  1. Receive and Accept Report on MHCHF's Goals, Strategies and Accomplishments; and  2. Receive and Accept the Morgan Hill Community Health Services Plan.	. 283
City	, Council 2	Action and Redevelopment Agency	
<u>OTHI</u>	ER BUSINESS: Time Estimate		Page
31)	10 Minutes	<ul> <li>COMMUNITY PLAYHOUSE PROJECT - ADDITIONAL FUNDING REQUEST Recommended Action(s):         <ol> <li>Appropriate an Additional \$50,000 From the Current Redevelopment Agency's Project Contingency Balance to Augment the Total Project Budget; and</li> </ol> </li> <li>If Action #1 is Approved, Authorize the City Manager to Execute a Purchase Order In an Amount Not to Exceed \$35,000 with Office Products &amp; Interiors (OPI) for Furnishings at the Playhouse Project.</li> </ul>	. 331
City	Council A	Action (Continued)	
<u>OTHE</u>	ER BUSINESS: Time Estimate		Page
32)	45 Minutes	DRAFT ECONOMIC DEVELOPMENT STRATEGY GOALS, POLICIES, AND  ACTIONS  Recommended Action(s):  1. Discuss the Draft Economic Development Strategy Goals, Policies, and Actions; and 2. Direct Staff How to Proceed.	. 337
33)	25 Minutes	NEW MORGAN HILL POLICE FACILITY Recommended Action(s): Consider Options and Direct Staff on How to Proceed.	. 361
34)	20 Minutes	COMMUNITY INDOOR RECREATION CENTER - RECEIVE SUBCOMMITTEE RECOMMENDATION AND AWARD PROFESSIONAL CONTRACT FOR ARCHITECTURAL DESIGN Recommended Action(s):	. 367

Agreement Amendment (DAA) Ordinance No. 1597, New

**Motion to Introduce** Development Agreement Amendment (DAA)

Ordinance No. 1597, New Series, by Title Only. (Roll Call Vote)

Series.

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		1. <u>Consider</u> Subcommittee Report and Recommendation;	
		2. <b>Approve</b> the Scope of Work From Noll & Tam Architects for Architectural Design	
		Services in an Amount Not to Exceed \$1,765,300; and	
		3. <u>Authorize</u> the City Manager to Negotiate and Execute the Professional Services	
		Agreement, Subject to Review and Approval by the City Attorney.	
35)	5 Minutes	URBAN LIMIT LINE (GREENBELT) STUDY: FORMATION OF CITIZEN	
		ADVISORY COMMITTEE AND PARTICIPATION IN THE CONSULTANT	
		<u>SELECTION</u>	385
		Recommended Action(s):	
		1. Appoint a Two Member Council Committee to Make Recommendations to the	
		Council on Membership of the Urban Limit Line (Greenbelt) Study's Citizen	
		Advisory Committee; and	
		2. <b>Appoint</b> a Member of the Council to Participate in the Consultant Selection Process	
		for the Urban Limit Line (Greenbelt) Study.	
36)	10 Minutes	CHALLENGE GRANT FOR UNITED WAY SILICON VALLEY	387
,		Recommended Action(s): Council Discussion and Direction.	
37)	10 Minutes	CITY ATTORNEY'S EMPLOYMENT AGREEMENT	395
,		Recommended Action(s): Approve an Amendment to the City Attorney's Employment	
		Agreement.	

# **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

# **ADJOURNMENT**